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JUL 23 2019

Clerk, U.S. Courts  
District of Montana  
Missoula Division

IN THE UNITED STATES DISTRICT COURT  
MONTANA DISTRICT, MISSOULA DIVISION

Terry Parks,	Petitioner,	REQUEST FOR GRANT OF AN EXTENSION
v.		OF TIME IN WHICH TO FILE A HABEAS CAUSE
State of Montana,	Respondent	

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I, Terry Parks, appearing pro se in this Court, am the defendant in the criminal case Cause No. DC-10-371 in the Montana Fourth Judicial District Court, Missoula County. Since my jury trial and conviction in 2011, over the past 9 years I have diligently pursued all of my available Montana State court post-conviction remedies, including Post Conviction Relief and multiple direct appeals to the Montana Supreme Court. I was proven correct by the Montana Supreme Court on a major portion of my *claims*, and I have since continued to pursue relief on the remainder. I've exhausted all available means of relief in my case other than a habeas petition in the U.S. courts. There are very serious Constitutional violations involved in my case which the state courts have not remedied. Remittitur in my final state appellate case in the Montana Supreme Court was filed on October 24, 2019.

I am now 72 years old, I have no prior criminal record, I was prosecuted, convicted and severely sentenced on charges of an omission of words in the only case of its kind to be found of "securities fraud" in the United States. By the state's open admission I was tried by the wrong legal standard, and yet no remedy has been provided to me. I have maintained my innocence from the start of my case in 2011. I have further maintained that my constitutional rights were violated throughout my case with regard to my unconscionable and unreasonable bail, constant pretrial incarceration, incompetent and hostile appointed counsel, use of the wrong legal standard, the conduct of my trial, conviction, sentencing and further during my pursuit of post-conviction relief by several steps.


After serving 3 years in prison followed by 2 years of parole, for the four years since I continue to be on probation that restricts my liberty and I am under constant legal jeopardy with a significant restitution amount imposed on me. I live under the current control of the State of Montana and the Department of Corrections in Michigan, where I've resided for four years with my disabled family whom I have assisted for decades, including my oldest daughter for whom I am legal guardian.

Though I have been diligent in pursuing counsel to timely file a habeas petition in this Federal District Court within the 180 days normally allotted for same since the filing of the Montana Supreme Court remittitur on October 24, 2019, I have been prevented from doing so despite my diligent efforts.

I have been prevented from timely filing my habeas petition in this Court first due to my lack of available financial resources sufficient to retain an attorney, as well as my unsuccessful attempts to find pro bono counsel in the 180-day filing period. And then, during the time I was seeking pro bono counsel while attempting to profitably work to acquire funds sufficient to retain a paid attorney, the Covid 19 pandemic suddenly interrupted that pursuit and created circumstances that delayed my actions further. However, due to subsequent unanticipated stimulus and other relief funds related to Covid 19 over the past several weeks, I, with the assistance of my family, am now in a much better financial position to pursue retaining paid counsel in this cause. To do so I must know that I am able to legally file the habeas petition because of a granted extension of the 180-day normal period for filing.

Therefore, based on a reasonable cause for the delay in filing a habeas petition within the regular 180-day period allotted, I now respectfully request that this Court grant to me a reasonable amount of additional time in which to file a habeas petition with this Court through paid counsel yet be retained. I am therefore requesting that this Court grant to me an extension of at least 90 days from the date of this request in which to retain paid counsel and file the habeas petition in this Court.

Respectfully submitted this 21<sup>th</sup> day of July, 2020

  
Terry Parks, Petitioner/Appellant, pro se